

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TURQUOISE HILL RESOURCES LTD. :
SECURITIES LITIGATION :
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/22/2024

20-cv-8585 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants submitted Exhibits 1 and 4–7 of their motion to dismiss the Third Amended Complaint (“TAC”) under seal. Dkt. No. 335, *see* Dkt. No. 331. On November 7, 2024, the Court ordered Defendants to submit a letter within 14 days stating whether, given the use of such Exhibits in the Court’s Opinion and Order resolving the motion to dismiss the Third Amended Complaint, Defendants continue to take the position that countervailing factors outweigh the presumption of access to judicial documents. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

On November 21, 2024, Defendants submitted a letter moving to retain under seal certain redacted portions of Exhibits 4–6. Dkt. No. 369. Defendants also submitted on the public docket redacted versions of Exhibits 4–6 which include all information in such Exhibits about the Oyu Tolgoi mine and redact all information about other projects. Dkt. Nos. 369-1, 369-2, 369-3. Because this case only concerns the Oyu Tolgoi mine, the redactions do not impact the public’s ability to “monitor the judicial process or promote public confidence in the judicial system.” *Lugosch*, 435 F.3d at 123. The redacted information is confidential business information which is irrelevant to this case. *See* ECF No. 314 at 4; *News Corp. v. CB Neptune*

Holdings, LLC, 2021 WL 3409663, at *2 (S.D.N.Y. Aug. 4, 2021). Therefore, the motion to maintain the redacted information in Exhibits 4–6 under seal is granted.

Defendants do not move to maintain Exhibit 1 or Exhibit 7 under seal. Therefore, such documents will be unsealed consistent with the presumption of public access.

Defendants’ motion to maintain certain redacted portions of Exhibits 4–6 under seal, Dkt. No. 369, is GRANTED. Defendants’ motion to seal at Dkt. No. 331 is GRANTED to the extent consistent with the motion at Dkt. No. 369 and DENIED to the extent it seeks to seal any other material. The Clerk of Court is respectfully directed to unseal the Exhibits at Dkt. No. 335-1 and Dkt. No. 335-7 and to close Dkt. Nos. 331 and 369.

SO ORDERED.

Dated: November 22, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge